

1 MICHAEL J. ZINNA (*pro hac vice*)
mzinna@kelleydrye.com
2 LEE BRENNER (State Bar No. 180235)
lbrenner@kelleydrye.com
3 DAVID FINK (State Bar No. 169212)
dfink@kelleydrye.com
4 DAVID G. LINDENBAUM (*pro hac vice*)
dlindenbaum@kelleydrye.com
5 WHITNEY M. SMITH (*pro hac vice*)
wsmith@kelleydrye.com
6 KELLEY DRYE & WARREN LLP
101 Park Avenue
7 New York, New York 10178
Telephone 212-808-7800
8 Facsimile 973-503-5950

9 Attorneys for Plaintiff ZOMM, LLC

10 DAVID R. EBERHART (S.B. #195474)
deberhart@omm.com
11 LUANN L. SIMMONS (S.B. #203526)
lsimmons@omm.com
12 SINA ARIA (S.B. #287529)
saria@omm.com
13 HANNAH Y. CHANOINE (*pro hac vice*)
hchanoine@omm.com
14 O'MELVENY & MYERS LLP
Two Embarcadero Center, 28th Floor
15 San Francisco, California 94111-3823
Telephone: +1 415 984 8700
16 Facsimile: +1 415 984 8701

17 Attorneys for Defendant
APPLE INC.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 OAKLAND DIVISION

23 ZOMM, LLC,

24 Plaintiff,

25 v.

26 APPLE INC.,

27 Defendant.

Case No. 4:18-cv-04969-HSG

**JOINT STIPULATION AND ORDER
TO EXTEND DEADLINE TO FILE
STIPULATED PROTECTIVE ORDER**

Judge: Haywood S. Gilliam, Jr.

1
2 Pursuant to Civil L. R. 6-1, 6-2, and 7-12, Plaintiff Zomm LLC (“Zomm”) and Defendant
3 Apple Inc. (“Apple”) hereby stipulate and request, by and through their undersigned counsel and
4 subject to the Court’s approval, to extend the deadline to file a Stipulated Protective Order to
5 February 1, 2019.

6 WHEREAS, pursuant to the Court’s January 9, 2019 Order (Dkt. 56), the Parties are
7 required to file a Stipulated Protective Order by January 25, 2019;

8 WHEREAS, the Parties have met and conferred and are continuing to negotiate in good
9 faith regarding the terms of the Stipulated Protective Order;

10 WHEREAS, the Parties believe that they could make further progress towards reaching
11 agreement on the outstanding disputes on the terms of the Stipulated Protective Order with
12 additional time to continue their meet and confer discussions;

13 WHEREAS, the Parties agree to extend the deadline to file the Stipulated Protective Order
14 in the hope that they can reach agreement on the Stipulated Protective Order; and

15 WHEREAS, the Parties have requested only one prior modification of time to extend the
16 deadline to file a Stipulated Protective Order, along with the deadline to file an ESI Stipulation,
17 on January 8, 2019 (Dkt. 55); and

18 WHEREAS, the Parties filed an ESI Stipulation on January 11, 2019, which the Court has
19 now ordered (Dkt. 59); and

20 WHEREAS, the parties also requested a modification of time related to the briefing
21 schedule for Apple’s Motion to Dismiss Plaintiff’s Non-Patent Causes of Action and Stay
22 Plaintiff’s Patent Cause of Action (Dkt. 45) to account for the holidays (Dkt. 51), which was
23 granted by the Court on December 17, 2018 (Dkt. 53); and

24 WHEREAS, the modification requested herein will not affect any other scheduled dates or
25 events in this action.

26 It is hereby STIPULATED AND AGREED, by and between the Parties, subject to the
27 approval of the Court, as follows:

1 The Parties will file a Stipulated Protective Order, including an identification of any
2 outstanding disputes regarding its terms, no later than February 1, 2019.

3 Pursuant to Civil L.R. 6-2(a), this stipulation is supported by the concurrently filed
4 Declaration of Michael J. Zinna.

5 IT IS SO STIPULATED.

6 Dated: January 24, 2019

KELLEY DRYE & WARREN LLP

8 By: /s/ Michael J. Zinna

9 Michael J. Zinna
10 Attorneys for Plaintiff
ZOMM, INC.

11 Dated: January 24, 2019

O'MELVENY & MYERS LLP

13 By: /s/ Luann L. Simmons

14 Luann L. Simmons
15 Attorneys for Defendant
APPLE INC.

17 **CERTIFICATE OF SERVICE**

18 I certify that all counsel of record is being served on January 24, 2019, with a copy of this
19 document via the Court's CM/ECF system.

20 /s/ Michael J. Zinna

21 Michael J. Zinna

23 **FILER'S ATTESTATION**

24 Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory listed, on whose
25 behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

26 /s/ Michael J. Zinna

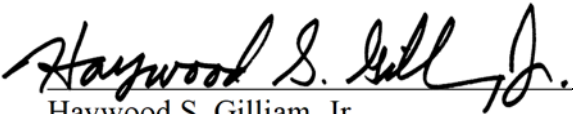
27 Michael J. Zinna

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January 25, 2019


Haywood S. Gilliam, Jr.
United States District Court Judge